

Appln. No. 10/799,008

RECEIVED Attorney Docket No. 10541-1941
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II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claim Rejections - 35 U.S.C. §102(e)

Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,792,907 to Kostun et al. (Kostun).

The examiner relies on Kostun to reject claim 1, as well as claims 3, 4, 5, 6, 7, 12, 14, and 15 noted hereafter. Applicants respectfully submit that Kostun was assigned or under the obligation to be assigned to Visteon Global Technologies, Inc., the assignee of the instant application at the time of the invention. Therefore, Kostun is unavailable to limit the patentability of claims 1, 3, 4, 5, 6, 7, 12, 14, and 15 as defined by 35 U.S.C. § 102(e) and §103(c). The assignment of Kostun is recorded at reel 013849, frame 0552 and the assignment of the instant application is recorded at reel 015080, frame 0432. For the examiner's convenience, copies of the Patent Assignment Abstract of Title for the Kostun and the present application are attached. Accordingly, applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102.

Claim Rejections - 35 U.S.C. §103

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kostun in view of U.S. 5,475,189 to Field et al. (Field).

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Claims 4, 5, 7, 12, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kostun in view of U.S. 4,539,947 to Sawada et al. (Sawada).

Claims 6 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kostun in view of Sawada as applied to claims 5 and 12 above, and further in view of Field.

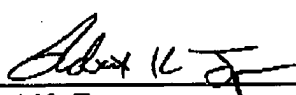
As noted above, Kostun is unavailable to limit the patentability of the instant application under 35 U.S.C. §103(c). Further, neither Field or Sawada teach all the elements of claims 3, 4, 5, 6, 12, 14, and 15. Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

Dated: November 16, 2006


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Patent Assignment Abstract of Title

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For pending or abandoned applications please consult USPTO staff.**

Total Assignments: 1**Patent #:** 6792907**Issue Dt:** 09/21/2004 **Application #:** 10378767 **Filing Dt:** 03/04/2003**Publication #:** US20040173175 **Pub Dt:** 09/09/2004**Inventors:** John D. Kostun, Lakhi N. Goenka, David J. Moenssen, Christopher E. Shaw**Title:** HELMHOLTZ RESONATOR**Assignment: 1****Reel/Frame:** 013849/0552**Recorded:** 03/04/2003**Pages:** 2**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** KOSTUN, JOHN D.**Exec Dt:** 02/28/2003

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Exec Dt: 02/28/2003

MOENSSEN, DAVID J.

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 10799008 **Filing Dt:** 03/12/2004

Publication #: US20050199439 **Pub Dt:** 09/15/2005

Inventors: Lakhi N. Goenka, David J. Moenssen, John D. Kostun, Christopher E. Shaw

Title: Variable geometry resonator for acoustic control

Assignment: 1

Reel/Frame: 015080/0432

Recorded: 03/12/2004

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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